

NOTICES OF PROPOSED RULEMAKING

- Establish rules for the renewable energy manufacturing facility eligibility, including but not limited to:
 - raising the maximum eligible cost to \$40 million;
 - establish standards for determining distinct facility characteristics;
 - establish criteria to determine certified costs for a renewable energy resource equipment manufacturing facility when the economic and revenue forecasts meet the criteria for economic downturn set out in the statute;
 - establish criteria to determine when a facility does not possess the likelihood of success;
 - establish the criteria to determine when a facility is not likely to increase employment in Oregon to a minimum threshold level; and
 - establish criteria to estimate whether an applicant is unlikely to base or expand a facility in Oregon on allowance of the tax credit.
- Make editorial and housekeeping changes to OAR 330-090-0105 to OAR 330-090-0150, as needed.

Rules Coordinator: Kathy Stuttaford

Address: Department of Energy, 625 Marion St. NE, Salem, OR 97301

Telephone: (503) 378-4128

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Department of Environmental Quality
Chapter 340

Rule Caption: Authorizing the Environmental Quality Commission to implement the Clean Air Act requirements for agriculture in Oregon.

Date: 5-19-08 **Time:** 6:30 p.m. **Location:** DEQ HQ, 811 SW 6th Ave. Portland, OR

Hearing Officer: Staff

Stat. Auth.: ORS 468.020 & 468A.020

Stats. Implemented: ORS 468A.020

Proposed Amendments: 340-200-0030, 340-200-0040, 340-210-0205, 340-264-0040

Last Date for Comment: 5-23-08, 5 p.m.

Summary: The 2007 Legislature passed SB 235 amending ORS 468A.020, 468A.550 and 561.400. The amendments to ORS 468A.020 allow regulation of air emissions from agriculture to the extent necessary to comply with the federal Clean Air Act (CAA). The Oregon Department of Environmental Quality (DEQ) is proposing to align Oregon Administrative Rules (OARs) with ORS 468A.020.

As a result of revisions made to ORS 468A.020 during the 2007 legislative session, it is possible that agricultural sources, such as confined animal feeding operations (CAFOs) with high emissions, may be subject to the permitting requirements of the CAA in the future if their emissions are above federal permitting thresholds.

Other than the potential requirement for permitting, these rule changes will have minimal impact on agricultural operations in Oregon because no new requirements are directly imposed by this rulemaking. ORS 468A.020 authorizes the Environmental Quality Commission (EQC) to limit emissions from agricultural sources if needed to meet federal CAA requirements, such as National Ambient Air Quality Standards (NAAQS), federal air toxic requirements, or regional haze issues. However, no such requirements are included in this rulemaking and any such requirements would need to be adopted by the EQC in future rulemakings.

This rulemaking will also amend Oregon's State Implementation Plan.

To submit comments or request additional information, please contact Jeffrey Stocum at the Department of Environmental Quality (DEQ), 811 SW 6th Ave., Portland, Oregon, toll free in Oregon at 800-452-4011 or 503-229-5506, or at or at Stocum.jeffrey@deq.state.or.us, or by fax 503-229-5675, or visit DEQ's website: <http://www.deq.state.or.us/news/publicnotices/PN.asp>

Rules Coordinator: Larry McAllister

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204

Telephone: (503) 229-6412

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Rule Caption: Amend Plant Site Emission Applicability Rule.

Date: 5-22-08 **Time:** 6 p.m. **Location:** DEQ HQ, 10th Flr. 811 Sixth Ave. Portland, OR

Hearing Officer: Andrea Curtis

Stat. Auth.: ORS 468.020, 468A.025, 468A.035 & 468A.040

Stats. Implemented: ORS 468.020, 468A.025, 468A.035 & 468A.040

Proposed Amendments: 340-200-0040, 340-222-0020

Last Date for Comment: 5-29-08, 5 p.m.

Summary: DEQ is proposing to amend the applicability rule for Plant Site Emission Limits (PSELs). The PSEL Rule sets limits on emissions of specified criteria air pollutants. The primary purpose of establishing a PSEL is to assure compliance with ambient air quality standards. A cross-reference error in the rule added two lists of chemical substances, some of which are not air pollutants, to the substances regulated by the PSEL rule. The proposed rule revisions will clarify the PSEL rule by exempting substances regulated by the Accidental Release Prevention Rule and Early Reduction High Risk Pollutant rules. The rule change would be consistent with DEQ's historical interpretation and implementation of the PSEL program.

The Accidental Release Prevention Rule and Early Reduction High Risk Pollutant programs are not implemented through the Plant Site Emission Limit Rule and do not depend on that rule for implementation. Furthermore, the PSEL rule does not reduce the amount of these substances that may be emitted from a facility. Therefore, exempting these substances from the PSEL rule will not affect the stringency of Oregon's air quality permitting programs.

These amendments, if adopted, will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to the State Implementation Plan (SIP), which is a requirement of the Clean Air Act.

To submit comments or request additional information, please contact Gregg Dahmen at the Department of Environmental Quality (DEQ), 811 SW Sixth Avenue, Portland, OR 97204-1390, call toll free in Oregon at 800-452-4011, or (503) 229-5108, or e-mail to dahmen.gregg@deq.state.or.us, or by fax (503) 229-5675, or visit DEQ's website <http://www.deq.state.or.us/news/publicnotices/PN.asp>

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Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204

Telephone: (503) 229-6412

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Department of Fish and Wildlife
Chapter 635

Rule Caption: 2009 annual changes to game mammal hunting regulations, plus 2008 controlled hunt game tag numbers.

Date: 6-6-08 **Time:** 8 a.m. **Location:** 3406 Cherry Ave NE Salem, OR

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Proposed Amendments: Rules in 635-002, 635-045, 635-060, 635-065, 635-066, 635-067, 635-068, 635-069, 635-070, 635-071, 635-072, 635-073, 635-075, 635-078, 635-080

Last Date for Comment: 6-6-08

Summary: Establish 2008 controlled hunt tag numbers and/or season regulations for the hunting of pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk.

Propose 2009 hunting regulations for game mammals, including season dates, bag limits, open areas, location of cooperative travel management areas, and controlled hunting regulations. Propose quo-